

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JOHN WILLIAMS,

Plaintiff,

V.

LIGHTNING LOGISTICS AND
TRANSPORT, INC. AND RAYMEL
D. POWELL,

Defendants.

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C.A. No. 4:21-cv-4094

DEFENDANTS' NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants Lightning Logistics and Transport, Inc. ("LLAT") and Raymel D. Powell ("Powell") file this Notice of Removal from the 334th Judicial District Court of Harris County, Texas. In support of their Notice of Removal, Defendants state as follows:

A. Introduction

1. The removed case is a civil action, initially filed on August 27, 2021, by Plaintiff in the 334th Judicial District Court of Harris County, Texas entitled *John Williams, Plaintiff, v. Lightning Logistics and Transport, Inc. and Raymel D. Powell, Defendants*.

2. Plaintiff is John Williams; Defendants are Lightning Logistics and Transport, Inc. and Raymel D. Powell.

3. On August 27, 2021, Plaintiff sued Defendants for negligence in the 334th Judicial District Court of Harris County, Texas.

4. On November 20, 2021, Defendant Lightning Logistics and Transport, Inc. was served with a summons and a copy of Plaintiff's Original Petition ("Petition"), which is attached to this Notice of Removal. Defendants file this Notice of Removal within the 30-day time period required by 28 U.S.C. § 1446(b)(1). *Bd. of Regents of Univ. of Tex. Sys. v. Nippon Tel. & Tel. Corp.*, 478 F.3d 274, 278 (5th Cir. 2007).

5. Plaintiff alleges in his Petition that he suffered personal injuries due to a motor vehicle accident that occurred on July 5, 2021 (Petition, ¶ 9). Plaintiff alleges claims of negligence against both Defendants.

B. Basis for Removal

6. Removal is proper because there is complete diversity between the parties. 28 U.S.C. § 1332(a); *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899-900 (9th Cir. 2006). Plaintiff is a resident of Texas (Petition, ¶ 2). LLAT is a foreign corporation organized and existing under the laws of the State of Georgia with its principal office in Griffin, Georgia (Petition, ¶ 4). Powell is an individual and resident of the State of Mississippi (Petition, ¶ 3). Additionally, the amount in controversy exceeds \$75,000, exclusive of interest and costs (Petition, ¶ 20).

7. All Defendants join in or consent to the removal of this case to federal court. 28 U.S.C. § 1446(b)(2)(A); *Cook v. Randolph Cty.*, 573 F.3d 1143, 1150-51 (11th Cir. 2009); *Pritchett v. Cottrell, Inc.*, 512 F.3d 1057, 1062 (8th Cir. 2008); *Harper v. Auto Alliance Int'l*, 392 F.3d 195, 201-02 (6th Cir. 2004).

8. Copies of all pleadings, process, orders, and other filings in the state-court suit are attached to this notice as required by 28 U.S.C. § 1446(a).

9. Venue is proper in this district under 28 U.S.C. § 1441(a) because the state court where suit has been pending is located in this district.

10. Defendants will promptly file a copy of this notice of removal with the clerk of the state court where the suit has been pending.

C. Jury Demand

11. Defendants demanded a jury trial in the state-court suit and the appropriate jury fee has been paid.

D. Prayer

For the foregoing reasons, Defendants request that this suit be removed to the United States District Court for the Southern District of Texas, Houston Division and other relief that the Court may deem appropriate.

Respectfully submitted,

RESNICK & LOUIS, P.C.

/s/ Mary Holmesly

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

THIS WILL CERTIFY that a true and correct copy of the foregoing instrument has been served on all attorneys of record in this cause of action pursuant to Federal Rules of Civil Procedure on the 16th day of December 2021.

/s/ Mary Holmesly

Mary Holmesly